



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 20, 1996

Mr. E. McAlister Benchoff
Benchoff & Benchoff
P.O. Box 631063
Nacogdoches, Texas 75963-1063

OR96-2183

Dear Mr. Benchoff:

On behalf of the Nacogdoches Independent School District (the "district"), you ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101983.

The requestor has asked the district for a copy of his personnel file "to include termination notices and all investigative reports regarding such termination." The district has released the contents of the file to the requestor with the exception of an investigative report made by the district police department. You contend that the report, a copy of which you have submitted to this office for review, is excepted from disclosure under sections 552.103, 552.108, and 552.111 of the Government Code.

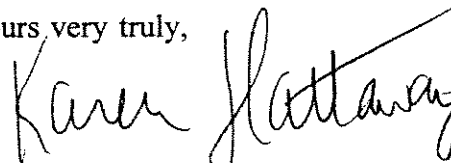
Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). The investigative report relates to a criminal charge of abuse of official capacity that is pending against the requestor. Section 552.108 provides that the district may withhold the investigative report from disclosure, although the district may choose to release all or part of the report that is not otherwise confidential by law. *See* Gov't Code § 552.007.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

¹Because we conclude that the district may withhold the information at issue from disclosure under section 552.108, we need not address your claims that sections 552.103 and 552.111 except the information from disclosure.

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Karen Hattaway", with a long horizontal stroke extending from the end of the name.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 101983

Enclosures: Submitted documents

cc: Mr. Jesse Fields
1221 Greer Street
Nacogdoches, Texas 75961
(w/o enclosures)